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REMARKS

Claims 1-29 are currently pending in the subject application and are presently under consideration. A clean version of all pending claims is found at pages 2 - 6. Amendments to claims 2, 21 and 27 correct minor informalities. Favorable reconsideration of the subject application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claim 18 Under 35 U.S.C. §112, second paragraph

Claim 18 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. It is respectfully requested that this rejection be withdrawn for at least the following reasons. Applicants' representative respectfully submits that the scope of the term "tier-agnostic" is ascertained from the subject specification and therefore definite. Moreover, in view of the prior art and the status of the art regarding workflow systems and/or methods, the term "tier-agnostic" would reasonably apprise one of ordinary skill in the art of the scope of the invention.

The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. §112, second paragraph. *Seattle Box Co. v. Industrial Crating & Packing, Inc.*, 731 F.2d 818, 221 USPQ 568 (Fed. Cir. 1984). Acceptability of the claim language depends on whether *one of ordinary skill in the art would understand what is claimed, in light of the specification*. (See MPEP §2173.05(b)) (emphasis added).

In particular, the definition and scope of the term "tier-agnostic" utilized in claim 18 and the specification reasonably apprise one of ordinary skill in the art of the scope of the invention. The Examiner states he "never questions the definition of the term." (See Final Office Action Dated June 16, 2003, pg. 22). Furthermore, the scope is clearly defined in the specification, for example, by "multi-tier architecture with relevant computer code running in several locations" (See pg. 2, ln. 10) and "clients, middle tiers of the workflow process, and end databases in the workflow process such as in servers." (See pg. 2, ln. 26-27). These examples demonstrate architectures which can be employed within the scope of the subject invention, allowing one of

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ordinary skill in the art to understand what is claimed in light of the specification. Thus, applicants' representative respectfully requests the rejection be withdrawn.

Moreover, in view of the prior art and the status of the art regarding workflow systems and/or methods, one of ordinary skill in the art would be reasonably apprised of the scope of the invention. Architectures such as, for example, 3 tier architecture, 2 tiered client/server architecture, monolithic application architecture, *etc.* are well known within the art and thus the scope of the term "tier-agnostic" is not indefinite. Accordingly, this rejection should be withdrawn.

II. Rejection of Claims 1-3, 23-25, and 27-28 Under 35 U.S.C. §102(e)

Claims 1-3, 23-25, and 27-28 stand rejected under 35 U.S.C. §102(e) as being unpatentable over Okita, *et al.* (US 6,225,998 B1). It is respectfully submitted that this rejection be withdrawn for at least the following reasons. Okita, *et al.* does not teach or suggest each and every element recited in the respective claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The Office Action states Okita, *et al.* discloses "... a flexible system for creating, modifying, and displaying workflows by permitting unrestricted placement of workflow objects." (See Final Office Action dated June 16, 2003, pg. 22). However, the subject invention as recited in claims 1, 2, and 23 clearly recite *receiving a modification to data*. It is readily apparent that Okita, *et al.* does not teach or suggest such aspects of applicants' claimed invention. Rather, Okita, *et al.* merely teaches user *creation and/or modification* of workflows *via* placement of visual primitives. In other words, a user *can modify* workflows by positioning icons. (See col. 3, ln. 13-20). Nowhere in Okita, *et al.* is *receiving a modification to data* disclosed, taught or suggested. In view of the foregoing, Okita, *et al.* fails to disclose, teach or suggest *receiving a modification to data* as recited in the independent claim 1 (and similarly independent claims 2 and 23). Therefore, applicants' representative respectfully requests the

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rejection be withdrawn.

Additionally, the Office Action asserts Okita, *et al.* discloses "... a series of routing instructions or routing procedures (which may be stored in a routing table, such as a call control table)." (See Final Office Action dated June 16, 2003, pg. 22). However, the subject invention as recited in claim 1 recites *identifying workflow steps from a table of workflow steps based on the modification*. It is readily apparent that Okita, *et al.* does not teach or suggest such aspects of applicants' claimed invention. Okita, *et al.* teaches compiling visual workflow diagrams into a series of steps in a table rather than *identifying* workflow steps from a table of workflow steps *based on the modification* as in applicants' claimed invention.

Furthermore, Okita, *et al.* does not teach or suggest invoking a workflow engine *to enforce state transitions* in the process based on the table of workflow steps. Okita, *et al.* merely discloses a workflow execution engine. (See col. 12, ln. 12-23). It is contended in the Office Action that "state information from the workflow execution engine is saved in a routing table which Okita specifically names it as a call control table." (See Final Office Action dated June 16, 2003, pg. 23). Applicants' representative respectfully traverses this statement. Okita, *et al.* merely discloses saving a workflow state (the current graphical arrangement of workflow steps) before an editing operation to support undo and redo commands during the creation and/or modification of an application (See col. 8, ln. 23-32). On the contrary, the claimed invention utilizes a workflow engine to *enforce state transitions*. The state transition may be one or many workflow steps. (See pg. 8, ln. 23).

Moreover, Okita, *et al.* does not teach or suggest receiving a data modification request *in the server database* as recited in claims 2 and 23. In the Final Office Action dated June 16, 2003, the Examiner stated that "[i]t is inherent that the call center database makes the request." (See Final Office Action dated June 16, 2003, pg. 5). However,

[i]n a patent case, under the doctrine of inherency, if an element is not expressly disclosed in a prior art reference, the reference will still be deemed to anticipate a subsequent claim if the missing element is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherent anticipation requires that the missing descriptive material is *necessarily present, not merely probably or possibly present*, in the prior art. *Rosco, Inc. v. Mirror Lite Co.*, 304 F.3d 1373, 64 USPQ2d 1676 (Fed. Cir. 2002) (emphasis added).

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One skilled in the art would not recognize Okita, *et al.* as *inherently disclosing* receiving a data modification request *in the server database*. There is no evidence to support a finding that one skilled in the art would construe the operation of Okita, *et al.* to teach receiving a data modification request *in the server database*.

Rather, Okita, *et al.* teaches utilizing an application workflow editor which is part of the 'client' as shown in Figure 2. The application workflow editor generates, edits and displays workflows. (See col. 5, ln. 1-40). Furthermore, Okita, *et al.* does not disclose, teach or suggest receiving a data modification request as discussed *supra*. Since Okita, *et al.* does not disclose each and every element as stated in claims 2 and 23, Okita, *et al.* does not anticipate such claims.

Additionally, Okita, *et al.* teaches away from creating a *workflow table in the server database* as recited in claims 2 and 23. Okita, *et al.* discloses distributing a workflow after it has been created or modified to one or more transaction processing systems. (See col. 9, ln. 10-20). On the contrary, the subject invention has all of the logic or process definition, which controls the workflow, contained in one unique location where tools can access it. (See pg. 9, ln. 17-19). The logic and/or process definitions are centralized in one location to overcome hindrances in workflow processes resulting from rules, computer code, *etc.* residing in disperse locations which facilitate incoherency. (See pg. 2, ln. 5-20). Thus, the subject invention utilizes creating a workflow table in the server database. Okita, *et al.* teaches away from such aspects of the subject claimed invention.

In view of the above, it is respectfully submitted that the rejection of independent claims 1, 2 and 23 (and claims 3, 24-25, and 27-28, which depend therefrom) be withdrawn.

III. Rejection of Claim 26 Under 35 U.S.C. §103(a)

Claim 26 stands rejected under 35 U.S.C. §103(a) as being obvious over Okita, *et al.* (US 6,225,998 B1). It is respectfully submitted that this rejection be withdrawn for at least the following reason. Okita, *et al.* does not teach or suggest all the claim limitations of the subject claims.

In particular, claim 26 depends from independent claim 23. As noted above, Okita, *et al.* does not teach or suggest applicants' invention as recited in this claim, and therefore cannot make obvious the subject invention as recited in dependent claim 26. This rejection should be

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withdrawn.

IV. Rejection of Claims 4-9, 11-20 and 29 Under 35 U.S.C. §102(e)

Claims 4-9, 11-20 and 29 stand rejected under 35 U.S.C. §102(e) as being unpatentable over Okita, *et al.* (US 6,225,998 B1) in view of Hoffecker, *et al.* (US 5,325,505). It is respectfully submitted that this rejection be withdrawn for at least the following reason.

Applicants' representative respectfully disagrees with Examiner combining references for a rejection under 35 U.S.C. §102(e). MPEP §2131.01 provides, in pertinent part: "[n]ormally, only one reference should be used in making a rejection under 35 U.S.C. §102." Moreover, 35 U.S.C. §102(e) states in part that "the invention was described in a *patent* granted." The term *patent* is singular, suggesting that the invention must be described in one reference to be rejected under 35 U.S.C. §102(e). Furthermore, the Examiner states "one cannot show *nonobviousness* by attacking references individually where the rejections are based on combinations of references." (See Final Office Action dated June 16, 2003, pg. 24). Use of language such as *nonobviousness* is consistent with 35 U.S.C. §103 as opposed to 35 U.S.C. §102(e).

Anticipating that the Examiner would issue a rejection of these claims under 35 U.S.C. §103, it is respectfully submitted that Okita, *et al.* and Hoffecker, *et al.*, individually and/or in combination, do not teach, suggest or disclose all the limitations of the subject claims.

In particular, Okita, *et al.* and Hoffecker, *et al.*, alone and/or in combination, do not disclose, teach or suggest a *server database having a data table and associated workflow table*, a *workflow extended store* and a *script engine* as recited in independent claims 4, 11, 17, and 29.

Okita, *et al.* discloses one or more remote computer systems capable of executing applications on a server (See col. 4, ln. 59-63). However, Okita, *et al.* does not disclose, teach or suggest a server with a *data table* and associated *workflow table* or workflow steps as claimed. Furthermore, the teachings of Okita, *et al.* limit the server(s) to *remote* computer systems, whereas the claimed workflow system *includes* a server database having a data table and an associated workflow table. Positioning the data table and workflow table in one unique location as in the claimed invention is advantageous since the workflow process is not hindered by a need to locate computer code and coherency within the workflow process is increased. (See pg. 2, ln. 5-20). Regarding a workflow extended store, the examiner states that Okita, *et al.* fails to teach

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or suggest the claimed workflow extended store. (See Final Office Action dated June 16, 2003, pg. 12).

Moreover, Okita, *et al.* *teaches away* from employing a script engine. Okita, *et al.* discloses utilizing a GUI (from the application workflow editor previously noted) with visual steps that is "easier to interpret than scripting languages or textual listings of steps." (See col. 3, ln. 27-29). Therefore, employing a script engine with Okita, *et al.* would make it *more difficult* to create, modify and display workflows.

The Office Action states "Applicant mistakenly believes that a script engine is the same thing as a workflow engine. Also, Applicant claims a workflow engine, not a script engine." (See Final Office Action dated June 16, 2003, pg. 23). Applicants' representative respectfully disagrees with such statements in light of independent claims 4, 11, 17 and 29 where both a *workflow engine and a script engine* are claimed. Furthermore, both the workflow engine and script engine are described in the specification. The workflow engine compares data change information from an extended store procedure with the workflow definition in the workflow table and determines the appropriate step that needs to be executed. (See pg. 3, ln. 9-11). The script engine is invoked by the workflow engine and executes the script functions. (See pg. 10, ln. 24-25).

Hoffecker, *et al.* fails to make up for the aforementioned deficiencies of Okita, *et al.* Hoffecker, *et al.* merely teaches a storage manager employed by an expert system to *manage* computer system data *storage*. (See abstract). Hoffecker, *et al.* teaches employing extended memory as a data storage unit, however the extended memory (and other "fast" memory such as cache) is utilized for data that is frequently accessed by a computer system to achieve *high-speed access* to the frequently utilized data. The most infrequently utilized data is stored on slower tape cartridges. (See col. 1, ln. 28-39). In contrast, the workflow extended store as recited in the subject claims is employed to *launch a workflow engine*. After a data modification request is received, a data table initiates a trigger that is transmitted to a workflow extended store. (See pg. 9, ln. 28 – pg. 10, ln. 3). The trigger invokes an extended store procedure, which *launches a workflow engine*. (See pg. 10, ln. 11-15).

From the above, it is readily apparent that Okita, *et al.* in view of Hoffecker, *et al.* do not teach, suggest or disclose the subject claims, and therefore, it is respectfully submitted that the

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rejection of independent claims 4, 11, 17, and 29 (and claims 5-9, 12-16, and 18-20 which depend therefrom) be withdrawn.

V. Rejection of Claims 21 and 22 Under 35 U.S.C. §103(a)

Claims 21 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Okita, *et al.* (US 6,225,998 B1) in view of Hoffecker, *et al.* (US 5,325,505) and further in view of Flores, *et al.* (US 6,073,109). It is respectfully submitted that this rejection be withdrawn for at least the following reason. The combination of Okita, *et al.*, Hoffecker, *et al.*, and Flores, *et al.* individually and/or in combination, do not teach or suggest all the claim limitations set forth in the subject claims.

In particular, claims 21 and 22 depend directly or indirectly from independent claim 17. Flores, *et al.* fails to make up for the aforementioned deficiencies of Okita, *et al.* and Hoffecker, *et al.* with respect to claim 17, and therefore cannot make obvious the subject invention as recited in claims 21 and 22. Flores, *et al.* merely teaches a system for *analyzing and structuring business processes* to provide businesses with tools to manage business processes. (See col. 1, ln. 19-22). This rejection should be withdrawn.

VI. Rejection of Claim 10 Under 35 U.S.C. §103(a)

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Okita, *et al.* (US 6,225,998 B1) in view of Hoffecker, *et al.* (US 5,325,505) and further in view of Grooters (US 6,412,031 B1). It is respectfully submitted that this rejection be withdrawn for at least the following reason. The combination of Okita, *et al.*, Hoffecker, *et al.*, and Grooters individually and/or in combination, do not teach or suggest all the claim limitations set forth in the subject claim.

In particular, claim 10 depends directly from independent claim 4. Grooters fails to make up for the aforementioned deficiencies of Okita, *et al.* and Hoffecker, *et al.* with respect to claim 4, and therefore cannot make obvious the subject invention as recited in claim 10. Grooters merely teaches a system for allowing several applications to share a single *video overlay resource* via multiplexing. (See abstract). This rejection should be withdrawn.

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VII. CONCLUSION

The present application is believed to be condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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